

REMARKS

Claims 2-44 are pending. Claims 35 and 36 are indicated as allowable if rewritten in independent form. Claims 2-34, 37-41 and 44 are indicated as allowable if the rejections under 35 U.S.C. § 112, second paragraph, are overcome.

In this response, claim 38 is amended to change dependency from previously canceled claim 1 to claim 44 and claim 44 is amended to correct typographical errors. Dependency of other claims was amended in our prior response.

Claims 2-34 and 37-44 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. The rejection seems to be based on the allegation that the terms "heteroalkyl" and "heteroalkenyl" would not be understood by one skilled in the art (page 3 of the Office Action). Further, it is alleged that the term "heteroalkyl" does not exist (*Id.*) However, that the meaning of the terms is clear and persons of ordinary skill will have no difficulty determining whether a substituent group of interest falls within the term's scope. A search of the term "heteroalkyl" on the Patent Office's full text database on May 13, 2004 revealed 1428 hits on the term. Based on limited review of these patents, many of these patents do not define the term as it is known in the art. The term "heteroalkyl" is well known to be defined as a monovalent alkyl chain having at least one heteroatom in the chain. Similarly, the term "heteroalkenyl" is understood to be a monovalent alkyl chain having at least one heteroatom and at least one carbon-carbon double bond as part of the chain. See, for example, U.S. Patent Nos. 6,727,364 (col. 4, line 59 to col. 5, line 33) and 6,727,267 (col. 4, lines 12-40). Applicants have used terms known to those skilled in the art in a way that is consistent with their understanding by those skilled in the art. Withdrawal of the rejection is respectfully requested.

The meaning of the term "alkyleneheteroalkyl" is also questioned in the Office Action (page 3). This term refers to an alkylene group that is substituted by a heteroalkyl moiety. The term "alkylene" is understood by one skilled in the art. As discussed above, the term "heteroalkyl" is also understood by one skilled in the art. As such, the term "alkyleneheteroalkyl" is not indefinite.

The meaning of the term "heteroalkylenyl" is also questioned. This term is amended to read "heteroalkenyl". Finally, the Examiner correctly points out that the term

DOCKET NO.: IBIS-0401
Application No.: 10/067,017
Office Action Dated: April 29, 2004

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"heteroalkyl" was used twice in one definition in claim 44. The claim is amended to remove this redundancy.

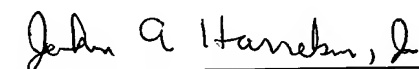
In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all rejections under 35 U.S.C. § 112, second paragraph.

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. The rejection seems to be based on a concern over to whom the compound is administered (Office Action at pages 4-5). This decision is not a limitation to the present claim. Rather, such a decision is fully within the skill and discretion of one skilled in the art. The only steps required to practice claim 42 are (1) obtaining the composition and (2) administering said pharmaceutical composition in a pharmaceutically acceptable manner. Given the skills of one skilled in the art (Office Action at page 6), the steps recited in the rejected claims are clearly enabled by the specification. Applicants respectfully request reconsideration and withdrawal of the rejection.

Applicants believe the foregoing constitutes a full and complete response to the Office Action of record. Applicants respectfully request an early Office Action on the merits.

Respectfully submitted,

Date: July 22, 2004



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